

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

WARREN COUNTY WATER DISTRICT

COMPLAINANT

and

SIDING SALES, INC., LYNN OSBORNE  
AND PAMELA K. OSBORNE

INTERVENING COMPLAINANTS

v.

BOWLING GREEN MUNICIPAL UTILITIES BOARD  
and  
THE CITY OF BOWLING GREEN, KENTUCKY

DEFENDANTS

CASE NO. 94-290

O R D E R

In separate filings, the City of Bowling Green, Kentucky ("Bowling Green"), has moved to dismiss the complaints brought against it by the Complainant and Intervening Complainants. No responses to these motions have been received.

Having considered Bowling Green's motion and being otherwise sufficiently advised, the Commission finds that, pursuant to KRS 96.530(1) and Bowling Green Ordinance 23-2.02, absolute control of the facilities and operation of the Bowling Green Municipal Utilities Board ("BGMU") is vested in BGMU and that Bowling Green has no authority to direct or control BGMU's facilities or operation. The Commission further finds that, as Complainant's and Intervening Complainants' requested relief relates solely to the

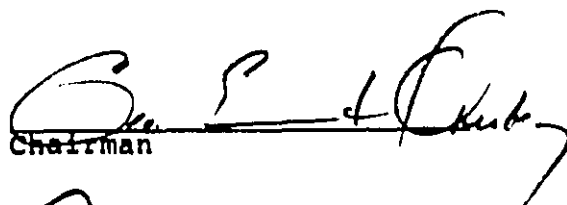
operation of BGMU facilities, neither the Complainant nor the Intervening Complainants seek any relief from Bowling Green. Accordingly, Bowling Green's motions to dismiss should be granted.

IT IS THEREFORE ORDERED that:

1. Bowling Green's motions to dismiss are granted.
2. The complaints brought by Complainant and Intervening Complainants against Bowling Green are dismissed.

Done at Frankfort, Kentucky, this 12th day of October, 1994.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director